

REMARKS

Allowable claims 29-34 remain herein.

Applicants appreciate the statement in the Office Action that claims 29-34 are allowable.

Claim 29 is rejected under the "judicially-created" doctrine of double-patenting, alleging that issue of claim 29 would improperly extend the right to exclude of claim 5 of U.S. Patent 6,778,969, and of claim 6 of U.S. Patent 6,611,820.

Submitted herewith is a Terminal Disclosure which moots that rejection insofar as it was based on '969 claim 5.

Applicants respectfully traverse the rejection insofar as it is based on '820 claim 6, no factual basis therefor having been further explained in the Office Action.

For convenient comparison, attached hereto is a claim chart comparing the language of '820 claim 6 to that of claim 29 of the instant application. That chart demonstrates very significant differences between these two claims.

Initially, the "for recording..." phrase of the preamble of claim 29 is nowhere found in '820 claim 6. And, the "recording means" of '820 claim 6 is nowhere therein said to be "using a first modulation method [for recording] into a first recording area...", as required by claim 29.

While '820 claim 6 does recite a "certifying means for certifying the validity of a recording medium based on certain information" which is "stored in the recording medium on which the encrypted content is recorded," '820 claim 6 does not include

Serial No.: 09/964,378

means for reading disk identification information recorded by a second modulation method in a second recording area of the optical disk said means including an optical head which is also capable of reading information recorded in the first recording area.

Further, although '820 claim 6 includes an "encrypting means," it does not include

means for encrypting information using at least both a cipher key and said disk identification information unique to the same optical disk.

Neither a cipher key nor disk identification information is used in '820 claim 6 for encrypting.

Note also that the "certain information...stored in the recording medium" is used in '820 claim 6 only for certifying validity of a recording medium, not for encrypting.

In applicants' claim 29, there are "means for permitting recording...after confirming the content of a recording permission code in an input signal to said means for recording," whereas in '820 claim 6, the recording means is operable "after the validity of the recording medium is certified" based on "information stored in the recording medium."

All of the above-explained differences between applicants' claim 29 and '820 claim 6 demonstrate that claim 29 is quite different and patentably distinct from '820 claim 6. Accordingly, reconsideration and withdrawal of the rejection based on '820 claim 6, are respectfully requested.

Should the Examiner deem that any further action by the applicants would be desirable for placing this application in even better condition for issue, the Examiner is requested to telephone applicants' undersigned attorney at the telephone number listed below.

Serial No.: 09/964,378

Respectfully submitted,

STEPTOE & JOHNSON LLP

January 18, 2006

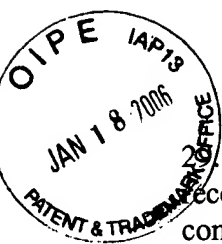
A handwritten signature in black ink, appearing to read "Roger W. Parkhurst", written over a horizontal line.

Roger W. Parkhurst
Registration No. 25,177

RWP/tlpdg

Attorney Docket No.: 28951.2011/ C8

STEPTOE & JOHNSON LLP
1330 Connecticut Avenue NW
Washington DC 20036-1795
Tel: (202) 429-6420



09/964,378 CLAIM 29

(a) An information recording device for recording information on an optical disk comprising a first recording area and a second recording area, said device comprising:

(b) means for recording information using a first modulation method into a first recording area of such an optical disk;

(c) means for reading disk identification information recorded by a second modulation method in a second recording area of the optical disk said means including an optical head which is also capable of reading information recorded in the first recording area; and

(d) means for encrypting information using at least both a cipher key and disk identification unique to the optical disk, into encrypted information unique to the same optical disk, and

(e) means for permitting recording of said encrypted information by said means for recording after confirming the content of a recording permission code in an input signal to said means for recording.

6,611,820 CLAIM 6

6. (a) A content recording device comprising:

(b) a recording means,

(c) certifying means for certifying a validity of a recording medium based on a certain information, (c')"wherein the certain information is information stored in the recording medium on which the encrypted content is recorded," between the encrypting means and a recording means,

(d)encrypting means for encrypting the input content.

(e) the recording means for recording the encrypted content after the validity of the recording medium.

[(c') see in (c), above]